Tuscarora Indians are federally recognized

August 14, 2018 Laurinburg Exchange Opinion 18

Micheal Jacobs - Tuscarora Nation

According to the U.S. Department of Interior-Bureau of Indians Affairs' Memorandum Letter dated Sept. 26, 1975, the 10-page letter by the Bureau of Indians Affairs' Regional Director Harry Rainbolt of the BIA Eastern Office to the Commissioner of Indian Affairs in Washington, D.C., provides validity of the North Carolina Tuscarora Indian Tribal Recognition and the BIA Federal Tribal Rights to the North Carolina Tuscarora Indians established in 1934 Indian Reorganization Act within the U.S. Federal Legislation in the Administration of U.S. President Franklin D. Roosevelt.

Enacted by the 73rd U.S. Congress, Public Law 73-383,48 Stat. 984, Section 19, Title 25 U.S.C.83, Chapter 1-48 Indians, The Declaration of Federal Rights for Indigenous People (25 CFR 83). The Tuscarora Tribal Citizens in North Carolina refutes all allegations in being called unrecognized.

Many North Carolina Tuscarora Indians are federally acknowledged pursuant to the June 18, 1934, Federal IRA Wheeler Howard Act enacted by the 73rd U.S. Congress, which states:

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— Sect. 19 ... The term “Indian” as used in this Act shall include all persons of Indian descent who are members of any recognized Indian tribe now under Federal jurisdiction, and all persons who are descendants of such members who were, on June 1, 1934, residing within the present boundaries of any Indian reservation, and shall further include all other persons of one-half or more Indian blood. For the purposes of this Act, Eskimos and other aboriginal peoples of Alaska shall be considered Indians. The term “tribe” wherever used in this Act shall be construed to refer to any Indian tribe, organized band, pueblo, or the Indians residing on one reservation. The words “adult Indians” wherever used in this Act shall be construed to refer to Indians who have attained the age of 21 years.

— Sec. 479a ... The term ”Indian tribe” means any Indian or Alaska Native tribe, band, nation, pueblo, village or community that the Secretary of the Interior acknowledges to exist as an Indian tribe.

The North Carolina Tuscaroras are verified as Indian pursuant to 25 U.S.C. § 479, a person who is “of one-half or more Indian blood of Tribes Indigenous to the United States.”

Moreover, in 1935 to 1944, after the North Carolina Tuscaroras were federally acknowledged pursuant to the 1934 IRA, U.S. Department of Interior Commission of Indian Affairs surveyed 9,399 acres for the Indian land to be held into abstract title trust and deed for Indians, however, Mr. William Zimmerman Jr. shifted the delegation of the U.S. Department Interior Land of 9,399 surveyed for Indians in Robeson County, over to the USDA Farm Service Agency, then they tried to get our Tuscarora ancestors to buy the land.

The U.S. Department of Interior-BIA and U.S. Department of Agriculture-FSA failed and refused to mention that the 9,399 acres the BIA surveyed was exempt from taxation since it was under the federal authority.

On April 4, 1975, the Tuscarora was tribally acknowledged and reconfirmed in Maynor v. Morton, Secretary, Department of the Interior, 510 F.2d 1254, U.S. Court of Appeals for the District of Columbia Circuit- 510 F.2d 1254 (D.C. Cir. 1975) Argued 21 Nov. 1974. Decided 4 April 1975. Mr. Maynor and other Tuscarora Indians were granted their federal tribal rights and that the 1956 Lumbee Act could not legally waive their tribal rights as Federal Indians pursuant to the 1934 IRA Act.

On Aug. 27-29, 1975, the Bureau of Indian Affairs Regional Director arry Rainbolt and six employees of the Bureau of Indian Affairs went to Maxton, N.C., in 1975, to meet all the Tuscarora Indians and their attorneys for a federal conference to provide the federal tribal rights in person to the Tuscarora Indians.

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According to an Oct. 29, 1976, memo letter and invoice of payment by U.S. Department of Interior: Bureau of Indian Affairs Regional Director Harry A. Rainbolt to the Commissioner of Indian Affairs in Washington, D.C., which again, officially and federally acknowledged the recognition of the Tuscarora Indians and gave Federal Indian Services in paying for the construction and abstracting land titles for Tribal Houses to be built in Robeson County, N.C.

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On Nov. 12, 1979, the National Congress of American Indians formally recognized the Tuscarora Nation Tribe of Maxton in N.C. Furthermore, on Aug. 23, 2017, the Tuscarora and the Indian Preference Federal Right were again reconfirmed in the U.S. District Court of Appeals, NAKAI v. ZINKE | 279 F.Supp.3d 38 (2017) by Heather McMillan Nakai vs. Bureau of Indian Affairs, Indian Health Service. Plaintiff Heather McMillan-Nakai brings this pro se suit against the Department of Interior-BIA and IHS.

Nakai was declared one-half or more Indian blood of Tribes Indigenous to the United States and she won her case to have Indian Preference Entitlements. The verification of Indian preference demonstrates the arbitrary nature of the decision based: 28. In 1975, the D.C. Circuit opined, in Maynor v. Morton, 501, F.2d 1254 as Tuscarora Indian.

For many years, the North Carolina Tuscarora Nation has endured the political bureaucratic interference which has been obstacles in administration for decades, like many other First Nations Tribes have to face in the U.S. and who have also struggled with the federal and state government for tribal assistance for decades, has left most Tribes, like the Tuscarora, in poverty and economically depressed; moreover, which doesn't negate our inherent tribal rights in being Tuscarora, one of the First Indigenous Nations of North America.

Micheal Jacobs is a member of Tuscarora Nation in Maxton. He can be reached at tuscaroratribalnation@gmail.com.

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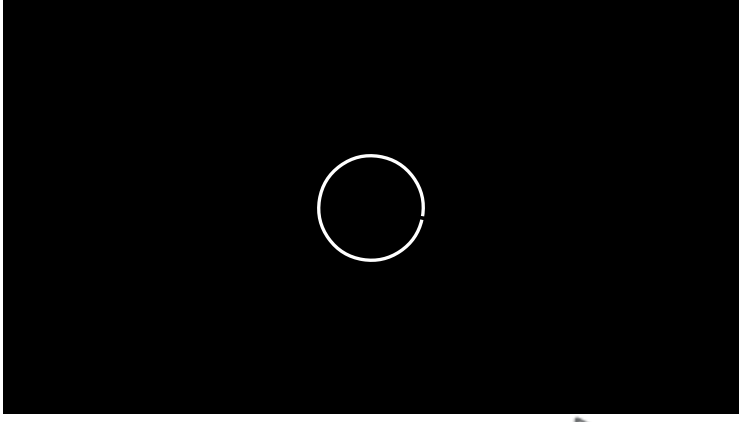

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Paul R. Jones • 2 years ago • edited

Where are the enumerated powers under the United States Constitution whereby a select group of U.S./State citizens with "Indian ancestry/race" post passage of the Indian Citizenship Act of 1924 are entitled to anything in this article? Asking that question another way, "Where is the Statutes at Large for the existence of U.S.C. Title 25-INDIANS? No Statutes. NO Title 25-INDIANS!

This whole "Indian tribal" thing is a plain fraud upon the United States Constitution.

It never ceases to amaze me how easy it is for politicians-state and federal-to dumb down as gullible non-Indian U.S./State citizens into believing that they-politicians-can pass statute law that regulates from the womb to the tomb the health, welfare, safety, benefits, capacities, metes and boundaries of a select group of U.S./State

citizens made distinguishable from all other non-Indian U.S./State citizens because of their "Indian ancestry/race" at the same time the Constitution's 14th
Amendment's 'equal protection' foreclosed the very same politicians from
enacting statute law regulating from the womb to the tomb the health, welfare, safety, benefits, capacities, metes and boundaries for select group of U.S./State citizens with 'slave ancestry/race' all without a shred of Constitutional authority to do so.

1 • Share ›

tapirrider1 ➦ Paul R. Jones • 2 years ago • edited

Paul, your bogus questions have been answered numerous times and instead of dealing with it, you run away and then pop up again on another story repeating cut and paste your same fake claims. Get on some meds.

• Share ›

Sweetgrass • 2 years ago • edited

If the Indian Recognition Act of 1934 granted Tribal Federal Recognition on this group, then they would be listed on the Federal Register as such – they are not.

If this 1975 letter alleges to provide validity of having Federal Tribal Status, then it would have been, in my opinion, successful in the lawsuits filed against the Secretary of the United States Department of Interior in the 2000's, but both cases were thrown out.

It's an admirable and tenacious attempt to claim modern legitimacy under the IRA of 1934, but any tribal law expert called in to testify will be able to inform the court what actual Federal Recognition tribal status is and who does and who does not have it.

If you don't have it, you're just a group of individuals with rights under the US Constitution, the same as your fellow citizens.

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Paul R. Jones ➦ Sweetgrass • 2 years ago

Where are the enumerated powers under the United States Constitution for the existence of the Indian Reorganization Act of 1934?

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Archie • 2 years ago

" in poverty and economically depressed"
Perhaps, Mr Jacobs, the Tuscarora Indians should do like the rest of us and make a living for yourself. Standing around with your hand out is not the proper way to live.
My family came from Robeson County and we have always worked for a living, never had our hands out for those freebie government handouts that are the cause of so much misery on Indian

handouts that are the cause of so much misery on Indian reservations across the country.

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Paul R. Jones → Archie • 2 years ago

At present, the U.S. Taxpayers pony-up some $20-billion dollars per year to give to some 1.7-million enrolled members free: food, healthcare, housing and education. Where does this money go and that does not count their business enterprise and gaming revenue?

2 | • Share ›

Sweetgrass → Archie • 2 years ago • edited

There is only one Tuscarora Nation that is Federally Recognized. They are the only one with treaties that pre-date the United States, and they are not located in Robeson Co., NC.

The historic Tuscarora Nation lives on their reservation in upstate NY and in stark contrast to this group, they don't allow gaming on their lands and decline federal monies from Washington, D.C.

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Paul R. Jones → Sweetgrass • 2 years ago

The United States Constitution makes for no provisions for 'Indian treaties' with constituency!

1 | • Share ›

Archie → Sweetgrass • 2 years ago

I well remember when the Croatan/Lumbee indians decided they were the Tuscarora Nation. They said it was written in "the book" in Washington DC.
The Robeson County band of Croatan/Lumbee/Tuscarora people have been after those freebies from DC for a lot of years. I guess welfare and food stamps aren't enough, they want gambling and tax-free status also.

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Real 2A2T → Archie • 2 years ago

Maybe if the Europeans would have stayed in Europe.....Maybe the Native Americans would have been better off

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Archie → Real 2A2T • 2 years ago

Strange that the white man is blamed for all of earth's ills.
But then, that's just typical of the leftists.

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Real 2A2T → Archie • 2 years ago

You are right.....he is to blame.....look at what is going on in the world. You think you can run over everybody but now people are standing up to you. Furthermore, the righteous nationalist who scream life is unfair. Just look at what you have done to Scotland County, just backwards. Have a nice night

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Tom Paul → Real 2A2T • 2 years ago

You may be right Dickie Do. The white man is being stood up to and trashed for not giving more to the people unwilling to work.
So what has the white man done to Scotland County?

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Real 2A2T → Tom Paul • 2 years ago

The lies that you that you tell. I see why Scotland is 100 out of 100 in alot of categories meaning dead last. No growth no hope.

| • Share ›

Archie → Real 2A2T • 2 years ago

What are the "lies" told?

2 | • Share ›

Real 2A2T → Archie • 2 years ago

Lies are told everyday just like #45. Anything to get ahead is by stealing (Land from Native Americans), Saying that nothing happened (But facts prove otherwise), saying Make America Great Again (America has been great but lies are told there). Even Pizzagate when a good ole boy from Salisbury, North Carolina goes to Washington DC and Shoots up a pizzeria thinking a child ring is going on in the basement. It reminds me of Pee Wee Herman looking for his bike in the basement of the Alamo. You people feed off of lies to gain power in any means necessary.

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